

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 17687 of 2007(E)

EP.917/2005 of PRL.MUNSIFF COURT,THRISSUR
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PETITIONER:

P.S. YESUDAS, S/O.PULIKKOTTIL SENSELOVOS
OLLUR VILLAGE, ANCHERRY DESOM, THRISSUR TALUK.

BY ADV. SRI.P.PUSHPARAJAN
SRI.RAJA. P.R.S.

RESPONDENTS:

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1. M/S. LIONS'S CORPORATION,
REGISTERED OFFICE AT PALLISSERRY VILLAGE,
PALAKKA DESOM, THRISSUR TALUK, BRANCH FARIDABAD.
 2. JAYANTHI SIVAKUMAR,
W/O. MELEVEETIL SIVAKUMAR, KOORKKENCHERRY VILLAGE
AND DESOM, THRISSUR TALUK.
 3. T.K. VENUGOPAL,
S/O. THIRUVELVELY KUPPU MUTHU PILLAI,
THIRUVAMBADY DESOM, KUMBOORMADOM LANE,
THRISSUR VILLAGE & TALUK.
 4. M.K. SIVAKUMAR,
S/O. MELEVEETIL KUZHANTHA VELUPILLAI,
KOORKANCHERRY VILLAGE & DESOM, THRISSUR TALUK.

BY ADV. SRI.K.A.SATHEESA BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: PHOTOCOPY OF EXECUTION E.P. NO: 917/05 FILED BY THE 1ST RESPONDENT
PRINCIPAL MUNSIFF COURT, THRISSUR

EXT.P2: CERTIFIED COPY OF THE ORDER DT. 8.2.2007 OF THE PRINCIPAL MUNSIFF'S
COURT, THRISSUR, IN E.P. NO: 917/2005

EXT.P3: TRUE PHOTOCOPY OF THE RECEIPT OF ATTACHMENT OF RS. 2,500/- DT. 17.3.2007

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/TRUE COPY/

P.A. TO JUDGE

M.N.KRISHNAN, J.

WP(C)No. 17687 OF 2007 E

Dated this the 9th July, 2007.

JUDGMENT

This writ petition is filed by the third respondent in the execution petition against the order of attachment made against him. It is submitted by him that first respondent is the principal debtor, fourth respondent is her husband and the second respondent is the father-in-law of the first respondent and the only stranger is the third respondent, the present writ petitioner who happens to be a surety. It is submitted that Rs.1,000/- is paid regularly by the first respondent and there is already an order of attachment of salary of the second respondent at the rate of Rs.1,800/-. I am also informed that portion of the amount had already been paid. Suppose the attachment of third respondent is deferred by six months if Rs.1,000/- is paid by first respondent and Rs.1,800/- is attached from the salary of second respondent it comes to Rs.16,800/-, which may be sufficient to wipe off the liability. In case if it is not done and discharged within a period of six months, being a person whose liability is co-extensive as that of the principal debtor the salary of third respondent also can be attempted to be attached thereafter. Therefore the order of the court below is modified and it is directed to defer

the attachment from the salary of third respondent for a period of six months. If the entire decree amount is not paid within that period, the court is at liberty to attach the salary of third respondent which is legally recoverable under Section 60 of the Civil Procedure Code. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge